



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/950,005	09/12/2001	Robert W. Baynes JR.	1933.0050001	9238
26111 7590 04/16/2008 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
SHINGLES, KRISTIE D				
ART UNIT		PAPER NUMBER		
2141				
MAIL DATE		DELIVERY MODE		
04/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/950,005

Applicant(s)

BAYNES ET AL.

Examiner

KRISTIE D. SHINGLES

Art Unit

2141

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 14, 16, 18, 20-21, 23-26, 30-32, 34-35, 37-38, 40-41, 43-44, 46-47 and 49-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1,14,16,18,20,21,23-26,30-32,34,35,37,38,40,41,43,44,46,47 and 49-86.

DETAILED ACTION

Per Applicant's Request for Continued Examination

Claims 1, 14, 16, 18, 20, 21, 30 and 49-54 have been amended.

Claims 2-13, 15, 17, 19, 22, 27-29, 33, 36, 39, 42, 45 and 48 have been cancelled.

Claims 1, 14, 16, 18, 20-21, 23-26, 30-32, 34-35, 37-38, 40-41, 43-44, 46-47 and 49-86 are pending.

Continued Examination Under 37 CFR 1.114

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/11/2008 has been entered.

Response to Arguments

II. Applicant's arguments with respect to claims 1, 14, 16, 18, 21, 30 and 49-54 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

III. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

IV. Claims 53 and 75-80 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 53 is directed to a "device" but fails to recite any hardware elements in the claim, wherein the "module" and "means" instances of the claim are depicted as software per se, which renders the claim solely as a software implementation and non-statutory for failing to satisfy a statutory category. The dependent claims, also inherit this rejection.

Claim Rejections - 35 USC § 102

V. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

VI. Claims 1, 14, 16, 18, 20-21, 23-26, 30-32, 34-35, 37-38, 40-41, 43-44, 46-47 and 49-86 are rejected under 35 U.S.C. 102(e) as being anticipated by *Multer et al* (US 6,694,336).

a. **Per claims 1 and 30 (differ only by statutory class), *Multer et al* teach a method for delivering information from a first device to a second device, comprising the steps of:**

- (1) generating an event representative of a modification to a first data object, wherein the first device stores the first data object in a first representation (*col.3 lines 26-62, col.6 lines 36-44, col.12 lines 12-15, col.14 lines 48-59, col.16 lines 30-43, col.27 line 46-col.28 line 9—storage and synchronization server stores differencing information for the networked devices in a universal record format*); and
- (2) delivering said event to the second device, comprising one or more step (a)-(c):
 - (a) pushing said event to the second device (*col.9 lines 10-20, col.38 line 48-col.39 line 9*);
 - (b) transferring said event to the second device during a sync operation (*col.7 lines 30-67, col.10 lines 43-55, col.12 lines 45-57*); and
 - (c) transferring said event to the second device in response to a request from said second device while said second device is being used to surf a network (*col.8 lines 22-28, col.34 lines 22-35, col.36 lines 11-47*);

wherein said event is parsed on the second device to recover the modification, wherein the second device stores a second data object in a second representation, wherein the second representation is different than the first representation, and wherein the second device updates the second data object based on the recovered modification (*col.5 line 56-col.6 line 32, col.11 lines 11-14, col.12 lines 12-15—difference information is extracted and translated to the proper format to update the device*).

b. **Per claims 14 and 49 (differ only by statutory class), *Multer et al* teach a** method for delivering information from a first device to a second device, comprising the steps of:

- (1) generating an event representative of a modification to a first data object, wherein the first device stores the first data object in a first representation (*col.3 lines 26-62, col.6 lines 36-44, col.12 lines 12-15, col.14 lines 48-59, col.16 lines 30-43, col.27 line 46-col.28 line 9—storage and synchronization server stores differencing information for the networked devices in a universal record format*);
- (2) delivering said event to the second device, comprising the step of pushing said event to the second device (*col.9 lines 10-20, col.38 line 48-col.39 line 9*);

wherein said event is parsed on the second device to recover the modification, wherein the second device stores a second data object in a second representation, wherein the second representation is different than the first representation, and wherein the second device updates the second data object based on the recovered modification (*col.5 line 56-col.6 line 32, col.11 lines 11-14, col.12 lines 12-15—difference information is extracted and translated to the proper format to update the device*).

c. **Per claims 16 and 50 (differ only by statutory class), *Multer et al* teach a** method for delivering information from a first device to a second device, comprising the steps of:

- (1) generating an event representative of a modification to a first data object, wherein the first device stores the first data object in a first representation (*col.3 lines 26-62, col.6 lines 36-44, col.12 lines 12-15, col.14 lines 48-59, col.16 lines 30-43, col.27 line 46-col.28 line 9—storage and synchronization server stores differencing information for the networked devices in a universal record format*);

Art Unit: 2144

- (2) delivering said event to the second device, comprising the step of transferring said event to the second device during a sync operation (*col.7 lines 30-67, col.10 lines 43-55, col.12 lines 45-57*);

wherein step (2) further comprises:

- (i) accessing providers for information using state information maintained on behalf of said second device, (*col.7 line 48-col.8 line 14, col.10 lines 32-64*);
- (ii) receiving said information from said providers, wherein said information comprises said event (*col.10 lines 32-64, col.13 line 32-col.14 line 53*); and
- (iii) sending said information to said second device in a form of the event, wherein the event is representative of a change in information contained within the data object since a previous event (*col.12 lines 39-57, col.15 lines 14-25, col.36 line 32-col.37 line 7*);

wherein said event is parsed on the second device to recover the modification, wherein the second device stores a second data object in a second representation, wherein the second representation is different than the first representation, and wherein the second device updates the second data object based on the recovered modification (*col.5 line 56-col.6 line 32, col.11 lines 11-14, col.12 lines 12-15—difference information is extracted and translated to the proper format to update the device*).

- d. **Per claims 18 and 51 (differ only by statutory class), *Multer et al* teach a**

method for delivering information from a first device to a second device, comprising the steps of:

- (1) generating an event representative of a modification to a first data object, wherein the first device stores the first data object in a first representation (*col.3 lines 26-62, col.6 lines 36-44, col.12 lines 12-15, col.14 lines 48-59, col.16 lines 30-43, col.27 line 46-col.28 line 9—storage and synchronization server stores differencing information for the networked devices in a universal record format*);
- (2) delivering said event to the second device, comprising the step of transferring said event to the second device in response to a request from said second device while said second device is being used to surf a network (*col.8 lines 22-28, col.34 lines 22-35, col.36 lines 11-47*);

wherein step (2) further comprises:

- (i) accessing providers for information using state information maintained on behalf of said second device (*col.7 line 48-col.8 line 14, col.10 lines 32-64*);
- (ii) receiving said information from said providers, wherein said information comprises said data object (*col.10 lines 32-64, col.13 line 32-col.14 line 53*);
- (iii) sending said information to said second device in a form of the event, wherein the event is representative of a change in information contained within the data object since a previous event (*col.12 lines 39-57, col.15 lines 14-25, col.36 line 32-col.37 line 7*).

wherein said event is parsed on the second device to recover the modification, wherein the second device stores a second data object in a second representation, wherein the second representation is different than the first representation, and wherein the second device updates the second data object based on the recovered modification (*col.5 line 56-col.6 line 32, col.11 lines 11-14, col.12 lines 12-15—difference information is extracted and translated to the proper format to update the device*).

e. **Claims 52-54** are in substantially similar to the limitations of claims 1, 14 and 16 and are therefore rejected under the same basis.

f. **Per claim 21**, *Multer et al* teach a method for delivering information from a first device to a second device, comprising the steps of:

- (1) generating one or more modification events representative of a modification made to a data object (*col.3 lines 26-62, col.6 lines 36-44, col.12 lines 12-15, col.14 lines 48-59, col.16 lines 30-43, col.27 line 46-col.28 line 9—storage and synchronization server stores differencing information for the networked devices in a universal record format*); and

- (2) forwarding said modification events to a second device identified as a recipient of said events, wherein said second device parses said events to recover the modification, wherein the second device stores a second data object in a second representation, wherein the second representation is different than the first representation, and wherein the second device updates the second data object based on the recovered modification (*col.5 line 56-col.6 line 32, col.11 lines 11-14, col.12 lines 12-15, col.36 line 32-col.37 line 7—difference information is extracted and translated to the proper format to update the device*).

g. **Per claim 20**, *Multer et al* teach the method of claim 18, wherein said event is associated with said request from said second device while said second device is being used to surf a network (*col.8 lines 22-28, col.34 lines 22-35, col.36 lines 11-47*).

h. **Per claim 23**, *Multer et al* teach the method of claim 21, wherein step (2) is performed during a push operation (*col.9 lines 10-20, col.38 line 48-col.39 line 9*).

i. **Per claim 24**, *Multer et al* teach the method of claim 21, wherein step (2) is performed during a sync operation (*col.7 lines 30-67, col.10 lines 43-55, col.12 lines 45-57*).

j. **Per claim 25**, *Multer et al* teach the method of claim 21, wherein step (2) is performed during a surf operation (*col.8 lines 22-28, col.34 lines 22-35, col.36 lines 11-47*).

k. **Claim 26** is substantially equivalent to claims 23-25 and is therefore rejected under the same basis.

l. **Per claim 31**, *Multer et al* teach the method of claim 1, wherein the second device is a data processing device (*col.5 lines 44-55, col.6 lines 23-24, col.7 lines 48-67*).

m. **Claims 34, 37, 40, 43 and 46** are substantially equivalent to claim 31 and are therefore rejected under the same basis.

n. **Per claim 32**, *Multer et al* teach the method of claim 1, wherein the device is a data communications device (*col.5 lines 44-55, col.6 lines 23-24, col.7 lines 48-67*).

o. **Claims 35, 38, 41, 44 and 47** are substantially equivalent to claim 32 and are therefore rejected under the same basis.

p. **Per claim 55**, *Multer et al* teach the method of claim 1, wherein the first representation and the second representation are platform specific or device specific (*col.3 lines 51-59, col.11 lines 41-57, col.14 lines 54-59, col.16 lines 30-42, col.27 lines 55-64*).

q. **Claims 63, 69, 75 and 81** are substantially equivalent to claim 55 and are therefore rejected under the same basis.

r. **Per claim 56**, *Multer et al* teach the method of claim 1, wherein the first representation and the second representation are format specific or standard specific (*col.3 lines 51-59, col.11 lines 41-57, col.14 lines 54-59, col.16 lines 30-42, col.27 lines 55-64*).

s. **Claims 64, 70, 76 and 82** are substantially equivalent to claim 56 and are therefore rejected under the same basis.

t. **Per claim 57**, *Multer et al* teach the method of claim 1, wherein the event is an email (*col.5 lines 31-34*).

u. **Claims 65, 71, 77 and 83** are substantially equivalent to claim 57 and are therefore rejected under the same basis.

v. **Per claim 58**, *Multer et al* teach the method of claim 57, wherein an attachment of the email is configured to be parsed to recover the modification (*col.39 lines 44-58*).

w. **Claims 66, 72, 78 and 84** are substantially equivalent to claim 58 and are therefore rejected under the same basis.

x. **Per claim 59**, *Multer et al* teach the method of claim 57, wherein a body of the email is configured to be parsed to recover the modification (*col.5 lines 31-34*).

y. **Claims 67, 73, 79 and 85** are substantially equivalent to claim 59 and are therefore rejected under the same basis.

z. **Per claim 60**, *Multer et al* teach the method of claim 57, wherein the email is configured to be recognized as an event (*col.5 lines 31-34*).

aa. **Claims 68, 74, 80 and 86** are substantially equivalent to claim 60 and are therefore rejected under the same basis.

bb. **Per claim 61**, *Multer et al* teach the method of claim 1, wherein step (2)(b) comprises: transferring a plurality of events to the second device (*col.34 lines 22-27*).

cc. **Per claim 62**, *Multer et al* teach the method of claim 1, wherein step (2)(b) comprises: transferring the event to the second device in response to the second device being connected to a network (*col.36 lines 21-47*).

Conclusion

VII. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure: Burkey et al (6845370), Moon et al (6898591), Woodard et al (7032011).

Examiner's Note: Examiner has cited particular columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner. Should Applicant amend the claims of the

Art Unit: 2144

claimed invention, it is respectfully requested that Applicant clearly indicate the portion(s) of Applicant's specification that support the amended claim language for ascertaining the metes and bounds of Applicant's claimed invention.

VIII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is (571)272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie D. Shingles
Examiner
Art Unit 2141

kds

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144